

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

RECONSIDERATION OF PRIOR DECISION
ON:

Government Code Sections 3300 through 3311, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675; and,

Directed by Government Code Section 3313, as added by Statutes 2005, Chapter 72 (Assem. Bill No. 138, § 6, eff. July 19 2005).

Case No.: 05-RL-4499-01

Peace Officers Procedural Bill of Rights

**NOTICE OF STATEMENT OF DECISION
ADOPTED ON APRIL 26, 2006**

TO: League of California Cities
California State Association of Counties
Department of Personnel Administration
Department of Finance
State Controller's Office
State Personnel Board
Legislative Analyst
Interested Parties
Legislative Committees

Statement of Decision

On April 26, 2006, the Commission on State Mandates adopted the attached Statement of Decision. The Commission concluded that *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859 supports the Commission's prior decision in *Peace Officer Procedural Bill of Rights* (CSM 4499) that the test claim legislation constitutes a partial reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for all activities previously approved by the Commission except the following:

- The activity of providing the opportunity for an administrative appeal to probationary and at-will peace officers (except when the chief of police is removed) pursuant to Government Code section 3304 is no longer a reimbursable state-mandated activity because the Legislature amended Government Code section 3304 in 1998. The amendment limited the right to an administrative appeal to only those peace officers

“who successfully completed the probationary period that may be required” by the employing agency and to situations where the chief of police is removed. (Stats. 1998, ch. 786, § 1.)

- The activities of obtaining the signature of the peace officer on the adverse comment or noting the officer’s refusal to sign the adverse comment, pursuant to Government Code sections 3305 and 3306, when the adverse comment results in a punitive action protected by the due process clause does not constitute a new program or higher level of service and does not impose costs mandated by the state pursuant to Government Code section 17556, subdivision (c).

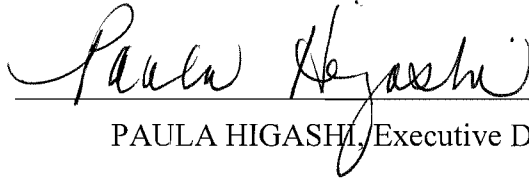
Parameters and Guidelines and Working Group to Develop a Reasonable Reimbursement Methodology

The Commission will revise its parameters and guidelines to be consistent with this decision on reconsideration. A hearing date will be set in the future.

In addition, the Commission directed staff to organize a working group for the purpose of developing a reasonable reimbursement methodology for reimbursing the costs of local agencies and school districts under this program. Commission staff will convene a conference to discuss a reasonable reimbursement methodology and will issue a notice of the conference at a future date.

If you have any questions regarding this matter, please contact Camille Shelton, Chief Legal Counsel, at (916) 323-8215.

Dated: May 1, 2006

A handwritten signature in black ink, reading "Paula Higashi", written over a horizontal line.

PAULA HIGASHI, Executive Director